

Filing a Citizen Complaint in the Garland Municipal Court

What is a citizen complaint?

A citizen complaint is a request to the Court to begin a criminal prosecution against someone. The complaint must be made in writing; it must fully identify the person to be charged; and it must be made under oath. The complaint must also provide enough detailed information to show that an offense occurred, that this Court has jurisdiction over the offense, and that there is likely enough evidence to prove the offense beyond a reasonable doubt. One citizen complaint form must be completed for each individual offense you wish to be filed.

What happens to the complaint after it is filed?

The complaint is assigned a tracking number by the Court clerks and is forwarded to the Prosecutor's office for review. *Please note that the filing of a complaint does not automatically result in criminal charges being filed.* A prosecution attorney will review the information provide on the complaint form and decide whether to file charges based upon the complaint.

Why might a complaint be rejected?

There are several factors which are considered when complaints are reviewed. There must be sufficient information identifying the person complained against – including name, address, and date of birth, race, sex, and driver's license number – to guard against charging or arresting the wrong individual. The Court must also have jurisdiction over the offense; in other words, it must be a Class C misdemeanor which occurred in the City of Garland. Finally the prosecutor must also determine whether the offense can be proven in Court beyond a reasonable doubt based on the information provided. The prosecutor has complete discretion to decide whether or not to accept a complaint.

What happens if a complaint is accepted?

If a complaint is accepted, it is returned to the Court clerks for processing. A citation is issued to the person complained of (now called "the defendant"), and he or she is sent a summons requiring him or her to appear in Court to answer the charge. This Court handles only Class C misdemeanors – that is, crimes punishable by a fine only, <u>not</u> with confinement in jail or prison. Therefore, when the defendant appears, her or she may plead Guilty or No Contest to the charge and pay a set fine, and the matter is concluded. The defendant may also plead Not Guilty and be set for a pre-trial conference. Only if the defendant maintains a Not Guilty plea will the case be set for trial. If the State needs your testimony at the trial, you will be notified to appear and testify.

What can I do if my complaint is refused?

If a complaint is refused, it does not necessarily mean that the complaint was baseless; it simply means that it does not satisfy the strict requirements that prosecutor has when choosing such cases to pursue. The decision not to initiate criminal charges based on the complaint should not affect any other rights you may have, and should not be viewd as a comment about the strength or weakness of any possible civil action based on the events alleged in the complaint. A private attorney can advise you about your rights. Should you wish to pursue any other action it is recommended that you consult a private attorney as soon as possible, as there may be time limits affecting your rights.



MUNICIPAL COURT OF REC	CORD		COMP	PLAINT AFFIDAVIT	
Complainant's Name:					
Complainant's Mailing A	ddress:(Address and				
Complainant's Telephone	(Address and	Street) (Apt. #)	(State)	(Zip Code	
2. Defendant's Name:		****			
Defendant's Telephone #					
Defendant's Date of Birth					
	(Month)	(Day)	(Year)	
Defendant's Race, Sex, D	river's License Number ar	nd State:			
(Race)	(Sex)	(Driver's License Number	er) (E	DL State)	
Defendant's Address:	(Address and Street)				
	(Address and Street)	(Apt. #)	(State)	(Zip Code)	
3. Date/Time of Offense:					
(Date) Location of Offense: (Address and Street) (Apt. #)		(Time)	(Time)		
5. Assault by contact or dis	(Address and Street)	(Apt. #)	(City)	(State)	
6. Assault by threat or dis	sorderly conduct: (Exactly	what did Defendant say	or do?)		
					
7. Description of offense:	(Barking dog, no insuran	ce, loud noises, etc.)			
AM THE COMPLAINANT ON THIS	OFFENSE WHICH IS THE BASIS	S FOR THE ISSUANCE OF THIS	COMPLAINT LAGREE TO	APPEAR AND TESTIFY	
WHEN SUMMONED TO THE MUNIC					
UNDERSTAND THIS COMPLAINT	IS AVAILABLE TO THE PUBLIC I	FOR INSPECTION, COPYING OR	BOTH UPON REQUEST.		
	Complainant's Signat	ture			
NI TOUT	Date Complainant (A	Complainant's Signature			
Set Con Control		Subscribed and sworn to before me and filed in the Municipal Court of Garland, Dallas County, Texas, on thisday of, 20			
	Deputy Clerk o	of the Municipal Court in the City of	Garland, Dallas County, Tex	xas	
11 // //		CAUSE NUMBER:			
	City Prosecutor (Y	ES/NO):	Municipal Court (YES/NO):		
	Date Complaint Ac	ccepted	Date Defendant Notified		
	Date Complaint De	enied	Date Complaint Notified		
	Date Dismissal Re	equired	Date Disposition Entered		